

## **CITY OF GREENVILLE**

POLICY NO: HR-45

DATE: December 15, 2011

SUBJECT: American Disabilities Act (ADA) Title II—Non-Discrimination on the Basis of Disability for Program, Services & Activities

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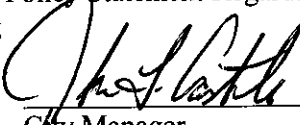
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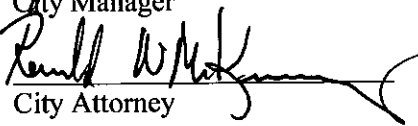
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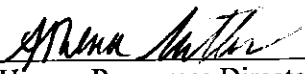
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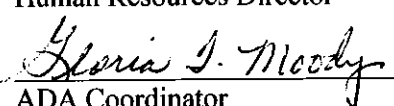
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APPROVALS:

  
City Manager

  
City Attorney

  
Human Resources Director

  
ADA Coordinator

## **I. Purpose**

Communicate to all City of Greenville employees, volunteers and others who are a part of the City's workforce that individuals with disabilities shall not be excluded from participation in, be denied the benefit of, or be subjected to discrimination in any City program, service or activity.

## **II. Applicability**

This policy applies to all City programs, services, and activities.

## **III. Definitions**

- **Accessible:** The combination of various elements in a building, facility (architectural) or areas with allows entry, circulation, and the full use of the building, facility, or area by persons with disabilities. Accessibility features may include: ramps, elevators, wide doors, and maneuvering space or grab bars in bathrooms. Accessible also includes the provision of oral or audio communication to people with sensory impairments (e.g., vision loss, deafness, etc. in a manner as effective as communications as provided to others. When viewed in its entirety, each service, program or related activity is operated so as to be readily accessible and usable by individuals with disabilities.
- **ADA Coordinator.** The City's Risk Manager serves as the ADA Coordinator, responsible for providing assistance to City departments and City-sponsored projects on compliance requirements for architectural accessibility; overseeing the resolution of citizen-related problems or complaints against individual City departments; conducting periodic program reviews and inspections; overseeing the City's self-evaluation and transition plan process, and identifying structural changes that need to be undertaken to achieve accessibility.
- **Auxiliary Aids:** Includes, but is not limited to providing qualified services interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices and systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunication devices for deaf persons (TDD), videotext displays and other effective methods of making aurally delivered materials available to individuals with hearing impairments.
- **Qualified Citizen:** Any person who applies for, receives, or participates in a City program, service or activity.
- **Report of Discrimination:** A complaint by anyone alleging an act of disability discrimination by the City in violation of Title II including the failure to provide a reasonable modification and retaliation for exercising rights under the ADA. The investigation of these complaints is conducted by the ADA Coordinator or designee.
- **Programs, Services or Activities:** Sometimes collectively referred to as "program" or "programs" in this policy, include any City program, service or activity whether City administered or operated by a contractor on behalf of the City.
- **Qualified Sign Language Interpreter:** The ADA defines a qualified sign language interpreter as one who is able to interpret effectively, accurately and impartially, both expressively and receptively, using any necessary specialized vocabulary.

- **Qualified Individual with a Disability:** An individual with a disability who, with or without reasonable modification to rules, policies or practices, the removal of architectural, communication or transportation barriers or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs, services or activities provided by the City.
- **Service Animals:** Service animals are defined by the ADA as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

#### IV. Policy

It is the policy of the City of Greenville to comply with state law and ADA Title II: State and Local Government Programs and Services. Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§12131-12134, and the Departments implementing regulation, 28 C.F.R. Part 35 requires the City to:

- Conduct a self-evaluation of its services, policies, and practices by July 26, 1992, and make modifications necessary to comply with the Department's title II regulation, 28 C.F.R. § 35.105;
- Notify applicants, participants, beneficiaries, and other interested persons of their rights and the County's obligations under title II and the Department's regulation, 28 C.F.R. § 35.106;
- Designate a responsible employee to coordinate its efforts to comply with and carry out the County's ADA responsibilities, 28 C.F.R. § 35.107(a);
- Establish a grievance procedure for resolving complaints of violations of title II, 28 C.F.R. § 35.107(b);
- Operate each program, service, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, 28 C.F.R. §§ 35.149 -35.150, by:
  - Delivery of services, programs, or activities in alternate ways, including, for example, redesign of equipment, reassignment of services, assignment of aides, home visits, or other methods of compliance or, if these methods are not effective in making the programs accessible, 28 C.F.R. §§ 35.150,
  - Physical changes to buildings (required to have been made by January 26, 1995), in accordance with the Department's title II regulation, 28 C.F.R. §§ 35.150 and 35.151, and the ADA Standards for Accessible Design (Standards), 28 C.F.R. pt. 36, App. A, or the Uniform Federal Accessibility Standards (UFAS), 41 C.F.R. §§ 101-19.6, App. A.
- Ensure that facilities for which construction or alteration was begun after January 26, 1992, are readily accessible to and usable by people with disabilities, in accordance with 1) the Department's title II regulation and 2) the Standards or UFAS, 28 C.F.R. § 35.151;

- Ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, including furnishing auxiliary aids and services when necessary, 28 C.F.R. § 35.160;
- Provide direct access via TTY (text telephone) or computer-to-telephone emergency services, including 9-1-1 services, for persons who use TTY's and computer modems, 28 C.F.R. § 35.162;
- Provide information for interested persons with disabilities concerning the existence and location of the City's accessible services, activities, and facilities, 28 C.F.R. § 35.163(a); and
- Provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to information about accessible facilities, 28 C.F.R. § 35.163(b).

Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

The City is also required to follow specific architectural standards in the new construction and alteration of their buildings and certain infrastructure. The City must also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities.

Reasonable accommodation that is not an undue hardship shall be made to provide participation in City programs. However, the City is required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

Individuals with disabilities who, with or without reasonable accommodation, meet the essential eligibility requirements for receipt of services (income, resource or other) for the participation in programs provided by the City are protected under this policy.

No qualified individual with a disability shall, on the basis of disability, be discriminated against, be excluded from participation in or be denied the benefits of the services or activities of the City. The City will apply eligibility criteria, standards and rules in a flexible manner for people with disabilities when necessary to avoid denial of equal and meaningful access to programs. No charge or fee shall be assessed to an individual with a disability to cover the cost of measures required to provide the individual with the non-discriminatory treatment required under this policy.

Notice for Americans with Disabilities Act (Exhibit A) shall be posted in conspicuous locations for members of the public. Departments in which individuals are served shall display an approved poster that highlights individual rights under the ADA. ADA Notices are available from the City's ADA Coordinator. Employees or volunteers shall read and explain the information to an individual whenever a program participant has a disability that interferes or may interfere with the ability to read and/or understand written material.

When the City procures services by contract, grant or other arrangement, notice shall be provided in the contract/agreement that contractors, grantees or others shall comply with Title II of the ADA as well as other applicable civil rights laws.

Failure to comply with this policy may result in disciplinary action up to and including termination and/or legal action.

## **V. Procedures**

### **A. ADA Coordinator**

The City has appointed an ADA Coordinator responsible for administering Title II compliance with the ADA. The ADA Coordinator shall:

1. Oversee City's compliance with Title II of the ADA.
2. Oversee and assist with the resolution of ADA grievances filed by or on behalf of qualified citizens, including ensuring that written results of any grievance are provided to the person with a disability on a timely basis.
3. Review all ADA grievances filed regarding City programs to identify trends that require changes in policies and/or practices and ensure that such changes are made.
4. Receive and review medical documentation provided by the individual when there is a question about the existence of a disability or whether the modification is appropriate to address the barrier to eligibility or participation.
5. Assist with training of department and/or division personnel on the ADA.
6. Has the authority to require those with the City's programs, services or activities to modify policies and practices to accommodate the individual with a disability.

### **B. Qualified Citizen Filing Request for a Reasonable Accommodation**

Whenever a qualified citizen indicates difficulty in accessing or participating in a program due to a disability, the department shall advise the individual that he/she may request a reasonable accommodation and offer to assist with making that request by providing the ADA Title II Request for Reasonable Accommodation Form (Exhibit B). The qualified citizen does not have to say "ADA" or "reasonable accommodation" to trigger the City obligation to treat the statement as a request for accommodation. If there is a barrier to eligibility or participation that is related to a qualified citizen's disability, the department should apply the reasonable accommodation provision of this policy. When possible, the requesting qualified citizen, seeking to participate in a City sponsored program or activity, should submit his or her request with in 5 business days of the event to allow the City time to arrange for any possible reasonable accommodation.

### **C. Providing Reasonable Accommodation**

The departments have the responsibility and authority to make Title II reasonable accommodation to qualified citizens for program participation. The law does not require the City program to provide individuals with disabilities personal devices such as wheelchairs, eyeglasses or hearing aids, reads for personal use or study or services of a personal natures such as assistance with eating or toileting unless such service is provided to other individuals participating in the program. In some instances the City may choose to provide equipment or service of a personal nature as an alternative to providing another type of accommodation.

Service animals are allowed to enter all City facilities and programs to assist individuals, employees and the public with accessibility. When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task. A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence. People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if the City requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.

1. City Request for Reasonable Accommodation Documentation. In situations where there is a question about the existence of a disability or whether an accommodation is appropriate to address the barrier to eligibility or participation, the City's ADA Coordinator may seek documentation of a disability from a physician or appropriate licensed professional. The requested documentation shall verify the disability and its relationship to the barrier to eligibility or participation and how the requested accommodation would reduce or eliminate the disability to permit the individual with a disability to meet essential eligibility or participation requirements. Documentation is sufficient if it confirms the existence of the disability, the permanent or temporary nature of the disability and the functional limitations caused by the disability, see. Authorization for Medical Information Release Form (Exhibit C). Only the information related to the disability generating the need to be accommodated may be requested; other medical documentation is irrelevant. The City may choose to begin to accommodate the individual with a disability while gathering documentation.

Reasonable Accommodation shall be provided regardless of the appearance or lack of appearance of a disability. All requests are to be handled by the City's ADA Coordinator. Other City employees or City volunteers are not trained in determining disability accommodation and shall not make determinations on the need of individual.

2. Safety Issues. The City may impose legitimate safety requirements even if they screen out qualified citizens with disabilities. However, safety screening must be based on actual risk, not on speculation, stereotypes or generalizations about individuals with disabilities or on the presumptions about what a class of individuals with disability can or cannot do.

When participation in a program by an individual with a disability poses a direct threat, defined as a significant risk to the health or safety of others that cannot be eliminated or reduced to an acceptable level through accommodation, that person is not considered a qualified citizen with a disability and may be excluded from programs. The determination of a direct threat to the health and safety of others must be documented and based on an individualized assessment and relying on current objective evidence. Documentation should include but is not limited to: Nature, duration & severity of the risk, probability that a potential injury shall actually occur and whether reasonable accommodation is available to lower or eliminate the risk.

3. Timely Response to a Reasonable Accommodation Request. Reasonable Accommodation shall be provided in time to avoid discrimination. The time period depends on case-by-case factors, included but not limited to the type of modification requested, the consequences to the qualified citizen of failing to provide accommodation immediately, and the undue hardship to the City. The ADA Coordinator will endeavor to respond to a citizen request within 10 days of receipt of the request to inform the requester of the status of his or her request.

#### D. Provision of Effective Communication

City programs shall provide effective communication with individuals with disabilities where necessary to ensure an equal opportunity to participate in and enjoy the benefits of programs unless it would result in a fundamental alteration to the program or be an undue financial or administrative burden to the City.

1. Access to City's Website. It is the policy of the City to provide access to the City's website that is as functional as access provided to individuals without disabilities. All reasonable efforts will be made to have website accessible to people with disabilities. Individuals requiring an accommodation beyond those already provided at the web portal should e-mail [webmaster@greenvillesc.gov](mailto:webmaster@greenvillesc.gov) or contact the City's ADA Coordinator providing a brief description of the accommodation requested.
2. City's Voluntary Action Plan for Accessible Websites. The City has established a policy that web pages will be accessible and created a process for implementation.
  - a) The City will ensure that all new and modified web pages and content are accessible by:
    - Checking the HTML of all new web pages. Make sure that accessible elements are used, including alt tags and captions, as needed.
    - When images are used, including photos, graphics, scanned images, or image maps, make sure to include alt tags for each.
    - Online forms and tables, work toward making those elements accessible by captioning them.
    - When posting news releases and certain other documents on the website, provide them in HTML or a text-based format (even if you are also providing them in another format, such as Portable Document Format (PDF)). Work toward having every document in HTML or text-based format.
  - b) Develop a plan for making existing web content accessible. Describe the plan on an accessible web page. Encourage input on improvements, including which pages should be given high priority for change. Let citizens know about the standards or guidelines that are being used. Consider making the more popular web pages a priority.
  - c) Ensure that in-house staff and contractors responsible for web page and content development are properly trained.

- d) Provide a way for visitors to request accessible information or services by posting a telephone number or E-mail address on your home page. Establish procedures to assure a quick response to users with disabilities who are trying to obtain information or services in this way. The City has contact, e-mail, phone, address and hours as a footer on the website and it appears on every page.
3. Provision of Auxiliary Aids. The City will provide auxiliary aids and services including alternate format communication to individuals with disabilities. The type of auxiliary aid or service may vary depending on the individual needs and the length and complexity of the communication. The City gives primary consideration to the type of auxiliary aid requested by the individual with a disability. Auxiliary aids may include, but are not limited to: qualified sign language interpreter, communicating through keyboard, note takers, e-mail, Braille materials, large-print text, oral presentation, and audiotape recordings.

#### E. Denial of Reasonable Accommodation Request

If department employees believe the individual is not entitled to an accommodation or the accommodation is an undue hardship, the Department Director is to be notified. The Department Director is to consult with the ADA Coordinator for discussion of the request. The final determination of approval or declination of the ADA accommodation request shall be made only by the ADA Coordinator.

The ADA Coordinator shall issue a written approval or denial to the individual requesting such accommodation. If denied, the denial notice shall include an explanation for why the accommodation request is being denied or why the City decided to offer an accommodation other than the one requested by the individual. The written notice shall list any alternative accommodations offered. If the request cannot be informally resolved, the qualified citizen requesting the accommodation shall be informed of his/her right to participate in the City's grievance process by completing and submitting an ADA Grievance form (Exhibit D).

#### F. Citizen Refusal of Reasonable Accommodation

Nothing in this policy requires an individual to accept an accommodation provided under this policy. Refusal of accommodations does not bar the individual from participation in the program. If, however, as a result of such refusal of an accommodation, an individual is unable to participate in a City program and the City has advised the individual of the consequences of refusal, the individual with the disability may not meet the eligibility requirements and thus not comply with program participation requirements.

#### G. Confidentiality

Every reasonable effort shall be taken to ensure the confidentiality of all citizen requests for accommodation. If the City department believes there is a need to share information about an individual's disability with another program in a separate department, the department shall follow applicable federal and state law and City policy regarding any such disclosure.

#### H. Retaliation

Neither the ADA nor the City allows condones or tolerates retaliation towards individuals who exercise their rights under the ADA or assist others in exercising their rights under the ADA. Exercising rights includes requesting reasonable accommodation. Qualified Citizens or their representatives who believe they have experienced retaliation after exercising their rights under



ADA have the right to file a discrimination complaint and/or a lawsuit. The ADA Coordinator or designee shall investigate allegations of retaliation against qualified individuals or others protected under Title II of this policy.

#### I. Filing an ADA Grievance or Appeal

Anyone who feels that he/she or another person has been discriminated against in violation of Title II of the ADA may file a grievance by submitting a grievance form to the City's ADA Coordinator (Exhibit D). The City of Greenville Grievance Procedure under the American's with Disabilities Act (Exhibit E) contains contact and other information for filing a grievance.

A grievance or complaint may be made by phone, in writing or on a grievance form. Programs shall inform anyone seeking to file a grievance that they are entitled to help with completing the form if needed. Grievance submitted by phone should be addressed to the City's ADA Coordinator. The ADA Coordinator will take down the information over the phone and provide the person filing the grievance with a copy of the form or other document describing the grievance so it can be reviewed and changes made if necessary. Alternate formats shall be provided if needed as an accommodation regarding the grievance process.

A grievant who is not satisfied with the initial grievance decision may appeal it to the City Manager. Appeals shall be filed at the ADA Coordinator's office within 20 days of the date the grievant received notification of denial and shall explain why the grievant disagrees with the initial decision (ADA Title II Appeal Form Exhibit F).

#### J. Recordkeeping

The ADA Coordinator shall maintain files on grievances received along with all communications, investigation, recommendations, resolutions and other records pertinent to a grievance for a period of at least three (3) years.

#### K. Training

The City will provide periodic training to employees to facilitate their understanding of the City's responsibilities under federal and state laws and regulations and this policy governing the delivery of programs, services and activities

#### L. Compliance Monitoring

In compliance with ADA, the City's ADA Coordinator will ensure that programs, services or activities monitor compliance with the ADA in such programs. Monitoring should include but not be limited to: reviews of case records to determine whether disabilities were identified, accommodation requests recorded and provided in a timely fashion, a periodic review of ADA grievances to identify any patterns of problems, analyze trends that may indicate a need for policy/program changes.

#### M. Roles and Responsibilities

##### 1. City Manager:

- Ensure compliance with this policy.
- Provide final determination on appeals.

2. Human Resources

- Ensure compliance with this policy.
- Participate in Disability Management Committee to review and decide reasonable accommodation requests on a case-by-case basis.

3. ADA Coordinator (Risk Manager):

Ensure compliance with this policy.

- Serve as the City's ADA Coordinator, overseeing the City's self-evaluation and transition plan process.
- Maintain and distribute current information and resources on making buildings and facilities accessible to a wide range of persons with disabilities.
- Provide assistance to City departments and City-sponsored projects on compliance requirements for architectural accessibility.
- Oversee the resolution of problems encountered by citizens or complaints against individual City departments.
- Work with departments to process and determine reasonable accommodation requests.
- Work with departments and Legal Office to assess undue hardships to the City.
- Participate in appeal hearings.
- In coordination with the City Attorney's Office investigate any allegations of discrimination or retaliation.
- As necessary, convene Disability Management Committee to review and decide reasonable accommodation requests on a case-by-case basis.
- Take reasonable precautions to protect the confidentiality of the applicant/employee.

4. Department Management:

- Ensure all employees under their direction are informed of this City policy.
- Report citizen accommodation requests to ADA Coordinator. Do not ignore a reasonable accommodation request.
- Ensure Reasonable Accommodation Request form is completed and submitted to ADA Coordinator.
- Take reasonable precautions to protect the confidentiality of the citizen.
- Work with the citizen and ADA Coordinator to provide reasonable accommodations.
- Operate programs, activities and services so that they are readily accessible to and usable by individuals with disabilities.
- Provide programs, activities, and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.
- Eliminate eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy these services, programs or activities, unless "necessary" for the provision of the service, program or activity.
- Make reasonable accommodations in policies, practices and procedures that deny equal access to individuals as approved by the City Manager.
- Ensure non-discrimination on the basis of disability in contracting for the purchase of goods and services.
- Furnish auxiliary aids and services, when necessary, to ensure effective communication, unless doing so would result in a fundamental alteration or undue burden.
- Ensure that individuals with disabilities are not excluded from services, programs or activities because buildings are inaccessible.

- Check with appropriate City departments to ensure that newly constructed building and facilities are free of architectural and communication barriers that restrict access or use by individuals with disabilities, and that alteration to existing buildings are designed and constructed to be accessible.
  - Ensure that any instances or allegations of discrimination or retaliation are immediately reported to the City's ADA Coordinator.
5. Citizens (Visitors/Program Participants):
- Contact the ADA Coordinator in advance of visiting the City with a reasonable accommodation request.
  - Ensure Reasonable Accommodation Request form is completed in full and submitted in a timely manner to the ADA Coordinator.
  - Submit any appeals to the ADA Coordinator.



## Notice Under The Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Greenville will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** City of Greenville does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

**Effective Communication:** City of Greenville will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in City of Greenville's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** City of Greenville will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of Greenville offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of City of Greenville, should contact the office of: ADA Coordinator, Risk Management Division, City of Greenville, 206 S. Main Street, Greenville, SC 29601, telephone 864-467-4437 or fax 864-298-2744 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Greenville to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of City of Greenville is not accessible to persons with disabilities should be directed to ADA Coordinator, City of Greenville, Risk Management Division, PO Box 2207, Greenville, SC 29602, telephone 864-467-4437.

City of Greenville will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.



## City of Greenville ADA Title II Request for Reasonable Accommodation

**Instructions:** If you are completing this form for another individual, please submit their contact information and the preferred method of contact. If you are the person who we should contact, please submit your information and your preferred method of contact. You may complete this form on-line by logging on to: <http://www.greenvillesc.gov/Accessibility.aspx>.

**A. Person completing this form:** Check one: ☐ Qualified Citizen ☐ Representative of Citizen

**B. Today's Date:** \_\_\_\_\_

**C. Qualified Citizen Contact Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

*City* *State* *Zip Code*

Telephone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Preferred method of Contact:** Check one: ☐ E-mail ☐ Telephone ☐ Mail

**D. Representative of Qualified Citizen Contact Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

*City* *State* *Zip Code*

Telephone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Preferred method of Contact:**

**Preferred method of Contact:** Check one: ☐ E-mail ☐ Telephone ☐ Mail

**E. Please identify the City department or office associated with the program, service, activity:**

- |   |  |
|---|--|
| <input type="checkbox"/> City Manager's Office              | <input type="checkbox"/> Office of Management and Budget |
| <input type="checkbox"/> City Attorneys Office              | <input type="checkbox"/> Parks and Recreation            |
| <input type="checkbox"/> City Clerk's Office                | <input type="checkbox"/> Police                          |
| <input type="checkbox"/> Economic and Community Development | <input type="checkbox"/> Public Information and Events   |
| <input type="checkbox"/> Fire                               | <input type="checkbox"/> Public Works                    |
| <input type="checkbox"/> Human Resources                    | <input type="checkbox"/> Public Transportation           |
| <input type="checkbox"/> Municipal Court                    |  |

**E. Please specify the program, service or activity you are seeking to participate:**

**F. If you are asking for an exception to a rule, policy, or procedure, please specify which rule, policy or procedure you are seeking an exception from:**

**G. If you have a specific request (e.g., the way a department communicates with you) please explain the nature of your request:**

**H. What is the accommodation you are requesting?**

**I. How will this accommodation assist you?**

**J. If you would like to include additional information, please provide that information below or attach it to this request form.**

Fax this form to 864-298-2744 or Mail to:

ADA Coordinator  
City of Greenville  
Risk Management Division  
PO Box 2207  
Greenville, SC 29602



**City of Greenville**  
**ADA Authorization for Release of Medical Information**

TO: \_\_\_\_\_  
Name of Medical Provider

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

RE: \_\_\_\_\_  
Name of Patient Birth Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

I hereby authorize \_\_\_\_\_  
Medical Provider

To disclose to City of Greenville ADA Coordinator, or any person who is authorized by the City to handle medical information for ADA purposes, any information concerning my physical or mental condition, that is necessary to determine whether I have a disability and to determine whether any accommodations can be made.

I also authorize City of Greenville ADA Coordinator, or any person who is authorized by the City to handle medical information for ADA purposes, to speak to my treating physician or health care provider directly in regards to any questions he/she may have with respect to my condition that relates to the performance of the essentials functions of my job and any accommodations that may be necessary.

I understand that the requested data is for the above-mentioned purposes, and that I may refuse to provide the requested medical information. However, I understand that if I refuse to provide the information, the City may refuse to provide reasonable accommodation.

This authorization is valid for one year from the date indicated below or upon receipt of my signed written notice to withdraw my consent. A photocopy is a valid as an original.

\_\_\_\_\_  
Signature of Patient

\_\_\_\_\_  
Date



**City of Greenville  
Americans with Disabilities Act  
Title II Grievance Form**

Today's Date: \_\_\_\_\_

Name of Grievant: \_\_\_\_\_

Address of Grievant: \_\_\_\_\_

Telephone Number of Grievant: \_\_\_\_\_

Name, Address, and Telephone Number of Alternate Contact Person: \_\_\_\_\_

**Agency alleged to have denied access:**

Department: \_\_\_\_\_

Division: \_\_\_\_\_

Bureau or Office: \_\_\_\_\_

Location: \_\_\_\_\_

I was denied access on: \_\_\_\_\_ [date]

**Disability Statement:**

My disability is: \_\_\_\_\_

This problem is: Temporary \_\_\_\_\_ Permanent \_\_\_\_\_

I am seeking access to the following City of Greenville program or activity in which I haven't been able to participate because I need an accommodation: \_\_\_\_\_

**Proposed Access or Accommodation:**

The accommodation I seek: \_\_\_\_\_

**Incident or Barrier:**

Please describe the particular way in which you believe you have been denied the benefits of any services, program, or activity or have otherwise been subjected to discrimination. Please specify dates, times, and places of incidents, and names and/or positions of City employees involved, if any, as well as names, addresses and telephone numbers of any eyewitnesses to any such incident. Attach additional pages if necessary. Include a description of the way in which you feel access may be had to the benefits described above, or the way in which accommodation could be provided to allow access.

Fax this form to 864-298-2744 or Mail to:

ADA Coordinator  
City of Greenville  
Risk Management Division  
PO Box 2207  
Greenville, SC 29602





## **City of Greenville Grievance Procedure under the Americans With Disabilities Act**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA").

### **Who may file a grievance under this procedure?**

A grievance may be filed if a person alleges discrimination on the basis of disability in regard to:

- Compliance with the physical access requirements of the Americans with Disabilities Act related to its public facilities, land or rights-of-way.
- Grievant or a specific class of individuals has been denied access to participate in City of Greenville services, activities, programs on the basis of disability.
- The City has otherwise violated the ADA.

The City's Personnel Policy governs employment-related complaints of disability discrimination.

### **What is the grievance procedure?**

A complaint may be made using the attached form. If grievant chooses not to use the form, the complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**ADA Coordinator**  
City of Greenville  
Risk Management Division  
PO Box 2207  
Greenville, SC 29602

After receiving the grievance, the ADA Coordinator or her designee will conduct an investigation. The investigation may include, but may not be limited to, interviews with: (1) the person filing the grievance; (2) the person, if any, who allegedly discriminated against the grievant or (3) any other person the investigator believes to have relevant knowledge concerning the grievance. The investigator may also consider any written evidence provided to him/her.

Within 15 calendar days after receipt of the complaint, ADA Coordinator or her designee will issue a confirmation in writing, or where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape that the grievance has been received and is being investigated. Absent extenuating circumstances, all grievances will be investigated, and a response issued within 60 days of receipt of the grievance. If a delay is expected, the ADA Coordinator will notify the grievant in writing of the reason(s) for the delay and the date by which a response will be issued.

The response will explain the position of the City of Greenville and offer options for substantive resolution of the complaint. If the response by the ADA Coordinator or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 20 calendar days after receipt of the response to the City Manager or his designee. An appeal should detail the reasons the grievant believes the findings to be in error.

The City Manager or his designee may meet with the complainant to discuss the complaint and possible resolutions. Within 20 calendar days after receipt of the appeal, the City Manager or his designee will provide a final resolution response to the appeal in writing or a format accessible to the complainant.

The ADA Coordinator will maintain files on grievances received along with all communications, recommendations and other records pertinent to the grievances for a period of at least three (3) years.

Using this grievance procedure is not a prerequisite to pursuing any other remedy and does not waive grievance rights to for redress under any alternative remedy available. However, in the interest of a prompt resolution of alleged discrimination, the City of Greenville encourages the use of this procedure in addition to any other available remedies grievant may choose.



## **City of Greenville ADA Title II Appeal Form**

Please complete the ADA Title II Appeal Form if you are a program participant or member of the public dissatisfied with or wish to appeal the ADA Coordinator's response to your initial complaint alleging the City is in violation of Title II of the ADA in regard to a program, service, activity or facility. The decision may be appealed to the City Manager or his designee within 20 calendar days after receipt of the ADA Coordinator's response. An appeal should detail the reasons the grievant believes the findings to be in error.

The City Manager or designated representative may meet with you and/or the City's ADA Coordinator to discuss the matter appealed and attempt to reach an informal resolution of the appeal. Any informal resolution will be documented in the City ADA Coordinator's file. The City Manager or designated representative will make a final determination within 20 calendar days from the date of the filing of the appeal for reconsideration.

The resolution of any specific complaint will require consideration and balancing of varying circumstances to include but not limited to: nature of disability, nature of access to services, programs or facilities at issue, health and safety of others, degree to which an accommodation would constitute a fundamental alteration to the program, service or facility, whether the accommodation will present an undue hardship to the City. The resolution by the City of any one complaint does not constitute a precedent by which the City is bound or upon which other complaining parties may rely.

Alternative formats are available. Please contact the ADA Coordinator via mail, email, phone or fax. You may submit your complaint or appeal by phone to the ADA Coordinator.

Use of the City's appeal procedure is not a prerequisite to the pursuit of other remedies. If the appellant is dissatisfied or does not wish to file an appeal through the City's ADA Appeal Procedure, the appellant may file a complaint directly with the US Department of Justice or other appropriate state or federal agency.

**If you have questions about the ADA appeal process, please contact: ADA Coordinator, PO Box 2207, Greenville, SC 29602, in person at 7<sup>th</sup> floor of City Hall, telephone 864-467-4437 or fax 864-298-2744.**

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone (day): \_\_\_\_\_ (evening) \_\_\_\_\_

Email: \_\_\_\_\_

Preferred Method of Contact: \_\_\_\_\_

## **ADA Title II Appeal**

1. Provide a brief description of the original accommodation request or complaint.

2. Date of original complaint:

3. Date of receipt of City's response:

4. Describe alleged violation:

5. Describe the remedy sought:

Please attach additional sheets as necessary and include information you are appealing.



## **City of Greenville Police Department Policy Statement Regarding Effective Communication with People Who Are Deaf or Hard of Hearing**

### **OVERVIEW**

It is the policy of this law enforcement agency (Agency) to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This Agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. To carry out these policies and legal obligations, the Agency instructs its officers and employees as follows:

- People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided others.
- The Agency will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.
- Effective communication with a person who is deaf or hard of hearing involved in an incident -- whether as a victim, witness, suspect, arrestee, or other persons connected to the situation -- is essential in ascertaining what actually occurred, the urgency of the matter, and the specifics of the situation.
- Various types of communication aids -- known as "auxiliary aids and services" -- are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hard of hearing); or use of qualified oral or sign language interpreters.
- The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.
- In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:
  - If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.
  - If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.

- To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
- The Agency is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Agency head or his or her designee may make this determination.
- The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including persons who are deaf or hard of hearing.
- Auxiliary aids or services are to be provided free of charge.

### **ON-CALL INTERPRETER SERVICES**

- The Agency will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) to provide qualified interpreters as needed. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors. The Agency will update this list annually.
- A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, emotional, or personal involvement, or considerations of confidentiality. Additionally, although a "qualified" interpreter may be certified, a certified interpreter is not necessarily "qualified," if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be "qualified."

### **TTY AND RELAY SERVICES**

In situations when a nondisabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a text telephone (TTY, also known as a telecommunications device for deaf people, or TDD). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.

## **TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY**

Officers must review and have a working knowledge of *Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing*. This document reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:

- Issuing a noncriminal or motor vehicle citation.
- Communicating with a person who initiates contact with an officer.
- Interviewing a victim or critical witness to an incident.
- Questioning a person who is a suspect in a crime.
- Making an arrest or taking a person into custody.
- Issuing *Miranda Warnings* to a person under arrest or in custody.
- Interrogating a person under arrest or in custody.

## **TYPES OF AUXILIARY AIDS AND SERVICES**

Officers must utilize the following auxiliary aids as appropriate, when available, to communicate effectively:

- Use of gestures
- Use of visual aids
- Exchange of written notes
- Use of computers
- Use of assistive listening devices
- Use of teletypewriters (TTY's)
- Use of qualified oral or sign language interpreters.